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Fifty-first session
Item 12 of the provisional agenda

QUESTION OF VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 2 November 1994 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights

As you may know, Amnesty International has recently been very active in waging an international political campaign against Indonesia by issuing a series of publications, namely "East Timor - Who is to Blame?"; "East Timor - Protesters, Beaten, Detained, Disappeared" and "Power and Impunity - Human Rights under the New Order".

Please find enclosed a copy of the letter by the Director of Information for the Minister for Foreign Affairs dated 20 October 1994 addressed to the Secretary-General of Amnesty International containing the strong protest of the Government of Indonesia against the content of those publications.

In this connection, I would like to request you to kindly make available the said letter of the fifty-first session of the Commission on Human Rights in 1995.

(Signed) Soemadi D.M. Brotodiningrat
Ambassador

Jakarta, 20 October 1994

Mr. Pierre Sane
Secretary-General
Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

Dear Sir,

I wish to voice my strong protest against the contents of a series of publications that Amnesty International issued in succession this year, as follows:

1. "*East Timor - Who is to Blame?*" of July 1994;

2. "*East Timor - Protesters, Beaten, Detained, Disappeared*" of August 1994; and

3. "*Power and Impunity - Human Rights under the New Order*" which was issued in September 1994.

These publications are so replete with falsehoods and malicious misrepresentations and so obviously in contradiction to the facts of the situation not only in East Timor but throughout Indonesia as well that I feel compelled to respond in order to put the record straight.

Of the three publications in question, the booklet, "*Power and Impunity - Human Rights under the New Order*" is the most virulent and malicious for it not only falsely attributes a "persistent pattern" of human rights violations to the Indonesian Government but also misrepresents the present New Order of Indonesia as the product of a bloody coup d'état. This is worse than mere distortion of history. By misrepresenting the origin of the New Order which was the vantage around which the Indonesian people rallied to save themselves from chaos in the middle 1960s, you would deprive us of one of the defining moments in the history of modern Indonesia. It is apparent that you are not only out to assassinate the reputation of Indonesia in the community of nations but also set to destroy something even more vital: a people's dignity and integrity.

It has now become absolutely clear that you are waging an international, political campaign against Indonesia. In effect, this was the essence of what you said in your statements in Bangkok, Tokyo and elsewhere recently. This is entirely unprecedented. Amnesty International has launched campaigns before that were focused on human rights violations in many countries, but this is the first time that Amnesty International is waging a campaign against just one individual country, with emphasis on Amnesty International's objections to the political structure of that country and its political status in world affairs.

Though the intended victim of this campaign is Indonesia, the first actual victim is truth because in your desire to blacken the reputation of Indonesia, you have resorted to the dissemination of falsehoods, misrepresentations and innuendos without any factual basis. The second victim is the avowed noble mission of Amnesty International, for by waging this political campaign, you have in fact abandoned the objective of promoting and protecting human rights and adopted a political agenda as well as a political objective. And with the personal crusade you have now undertaken, you have finally unmasked yourself for the political campaigner that you have become. You have also unmasked your Organization for what it really is, and which we have all along described it to be: an organization waging a political campaign against Indonesia under the banner of human rights.

For if Amnesty International were really interested in promoting human rights, it should not begrudge Indonesia the recognition given it by other countries and the United Nations Commission on Human Rights for its efforts to improve the human rights situation in East Timor as well as throughout the country. For these are important building blocks on which greater progress on human rights promotion and protection can be built so that eventually Indonesia can attain the kind of human rights situation that its Government and people aspire for.

Further, if Amnesty International were really interested in promoting human rights, it should not, in its evaluation of the human rights situation in Indonesia, studiously ignore the enhanced social and economic rights that the Indonesian people, including the people of East Timor, Aceh and Irian Jaya, are now enjoying. A balanced and fair assessment of the human rights situation in any country should at least consider these factors, but Amnesty International is obviously not interested in a balanced and fair assessment.

Fortunately, it has become increasingly clear to all those who are sincerely engaged in championing the promotion and protection of human rights that their concerns are not being served by allowing a malicious and strident anti-Indonesian campaign to be waged by elements and organizations obviously intent on political rather than human rights objectives.

Fortunately also, the truth cannot be hidden from the international community which has been able to view for itself the positive aspects as well as the constructive changes that have taken place in the human rights situation in Indonesia, including East Timor. On that basis, the United Nations Commission on Human Rights in March 1994 lauded the Indonesian Government for the progress achieved in its human rights record. Early this year the Indonesian Government invited the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor. Journalists, members of the United States Congress, members of Parliament of the United Kingdom, Japan and Australia and representatives of church organizations and human rights organizations have also visited East Timor in recent months. Even some East Timorese living in Portugal recently paid a visit to Indonesia, including East Timor where they met with their relatives.

Indonesia's position on human rights has been clearly stated during the World Conference on Human Rights in Vienna last year and on various occasions in the United Nations. We recognize the universal validity of human rights and fundamental freedoms. Adhering to the provisions of the United Nations Charter we hold that the promotion and protection of human rights should proceed within the context of international cooperation and not according to the dictates or particular perceptions of any single country or group of countries. Cooperation implies respect for the sovereignty and for the values and cultural identity of other nations. There should be better appreciation of and sensitivity to the fact that in a developing country a proper balance must be struck between the rights of individuals and the rights of the community, the society and the nation as a whole.

We also believe that the most basic of human rights, freedom from want, from hunger, from ignorance, from disease and from backwardness, should be given as much weight as the political and civil rights of individuals. It is the enjoyment of these economic and social rights that will ensure also the enjoyment of political and civil rights. To a large extent, it is because of Indonesia's adherence to this philosophy that has enabled it to achieve a measure of economic success which has earned the praise of international financial institutions, both within the United Nations system and outside it.

As to the issue of East Timor, it will certainly be difficult to settle it while Amnesty International is intent on waging a political campaign to malign Indonesia. Nevertheless, we will continue to cooperate and support the United Nations Secretary-General in his efforts to find a comprehensive, just and internationally acceptable solution to the question of East Timor in the ongoing dialogue with Portugal. The Indonesian Government will continue its current efforts, which are encouraged by other countries and by the United Nations Commission on Human Rights, to enhance the human rights situation within the country.

Meanwhile, if Amnesty International wishes to contribute to the cause of human rights in Indonesia or anywhere else, then it should drop its political agenda and go back to the pursuit of human rights objectives, which means that it should rejoin the mainstream of international cooperation on human rights instead of attacking one country for the political structure and taking to task other countries for not participating in the attack. It should cease waging a political campaign and re-assume the spirit of dialogue.

Very truly yours,
For the Minister for Foreign Affairs

(Signed) Irawan Abidin
Director of Information
Department of Foreign Affairs

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COMMISSION ON HUMAN RIGHTS

Fifty-first session
Item 25 of the provisional agenda

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Note by the Secretariat

The attention of the Commission is drawn to the attached resolution adopted at the Consultative Meeting of Ministers of Justice/Attorneys-General of Eastern, Central and Southern African States on the Administration of Justice held at Nairobi on 5 October 1994.

RESOLUTION OF MINISTERS OF JUSTICE/ATTORNEYS-GENERAL OF EASTERN, CENTRAL AND SOUTHERN AFRICAN STATES ON THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

The Ministers of Justice/Attorneys-General of Angola, Botswana, Ethiopia, Kenya, Lesotho, Malawi, Sudan, Swaziland, Tanzania, Uganda and Zimbabwe and a high ranking official of the Government of Zambia, held a Consultative Meeting in Nairobi, Kenya, on 5 October 1994 to exchange views on the Administration of Justice and Human Rights. The Consultative Meeting was convened by Hon. S. Amos Wako, the Attorney-General of Kenya, as a follow up to the Consultative Meeting of the Ministers of Justice/Attorneys-General which was held in Nairobi, Kenya from 5-7 October 1992 and also to take stock of the developments which have taken place in this area since the World Conference on Human Rights which was held in Vienna, Austria in June 1993.

The Ministers of Justice/Attorneys-General conscious of the importance of the relationship between administration of justice and human rights in the development of their respective countries, and the need for greater funding by national governments and technical and financial assistance from the international community, to institutions concerned with the administration of justice,

Reaffirms the principles and conclusions which are contained in the Joint Statement of the Ministers of Justice/Attorneys-General dated 7 October 1992,*

Recognises with appreciation that the principles and conclusions enunciated in the said Joint Statement were accepted by the international community and are reflected in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Notes that the World Conference on Human Rights which met in Vienna, Austria from 14-25 June 1993, adopted a Declaration which called upon the international community to provide an increased level of both technical and financial assistance to institutions concerned with the administration of justice,

Observes that there is an emerging tendency to implement the Vienna Declaration in a selective and discriminatory manner,

Concerned that the selective and discriminatory implementation of the Declaration would defeat the objective of promotion and protection of all human rights throughout the world,

1. Strongly urges the international community to give equal attention and focus to the parts of the Vienna Declaration which call upon the international community to give financial and technical assistance to institutions concerned with the administration of justice, such as the judiciary, the law enforcement agencies, the prison systems and the offices of the Ministers of Justice/Attorneys-General.

2. Calls upon the Organisation of African Unity to urgently convene a meeting of Ministers of Justice/Attorneys-General to discuss the issue of Administration of Justice and Human Rights in Africa.

3. Authorises the Attorney-General of Kenya to bring the contents of this resolution to the attention of the United Nations and the Organisation of African Unity and other international and regional organizations concerned with this matter.

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* See A/CONF.157/AFRM/5.